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Observations on the militia system

Enoch Lewis

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OBSERVATIONS

ON THE

MILITIA SYSTEM,

ADDRESSED TO

THE SERIOUS CONSIDERATION

OF THE

CITIZENS OF PENNSYLVANIA,

AND PARTICULARLY THOSE WHO OCCUPY JUDICIAL OR LEGISLATIVE STATIONS.

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BY ENOCH LEWIS.

PHILADELPHIA:
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OBSERVATIONS

ON THE

MILITIA SYSTEM.

It is a melancholy fact that the nations of Christendom, as well as those who deny the name of Christ, devote a large share of time and treasure, either to preparation for war or to its actual prosecution; and that orators, historians and poets, frequently make the achievements of warriors the subject of their most elaborate eulogies. Yet, glaring as is this propensity to nourish the spirit of war, few or none can be found who will presume to deny the superior excellency of peace. Nations, however warlike in practice, seldom fail to profess, even in the midst of their most sanguinary conflicts, that the attainment of a just and permanent peace, is the ultimate object of their efforts. When rulers are appropriating, by millions, the wealth of the people, to the formation of navies, the erection of forts, and the support of armies, the ostensible reasons for all this expense, still centre in the attainment or preservation of peace. This is avowedly the great object and aim of all. Even cruel and desolating war is professedly the pioneer of peace.

Though the military and pacific spirit are evidently and completely antagonistic, yet it would appear that,

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in theory, the warrior and the man of peace, do not disagree in the object to be attained, so much as in the mode of attaining it. The former proposes to disarm oppression or to keep it at bay, by the force or terror of arms; the latter by the observance of justice and the subjugation of the passions from which wars and fightings spring. A careful examination of the subject will probably lead to the conclusion, that the essential difference is, the one relies, for the maintenance of his rights and the preservation of peace, on the arm of flesh and the policy of man; the other on the protection of an omnipresent and overruling Providence.

It is not the object of this essay to discuss the question, whether a Christian can, consistently with his profession, engage in war; or whether a sound and rational policy is ever consulted in this terrible resort of nations. The former inquiry has been ably, and in my opinion, unanswerably conducted by a late writer, whose works ought to be read by every one who desires to be correctly informed on the subjects which he has discussed. J. Dymond, in his "Inquiry into the accordancy of war with the principles of Christianity," has, as far as argument is concerned, set the question at rest. The impolicy and absurdity of war, as a mode of settling national disputes, has also been fully exposed by William Jay, of New York, in his Essay on War and Peace.

I lay it down as an unquestionable fact, that there are among us many sober Christians, who conscientiously believe that war, whatever its origin or object may be, is incompatible with the whole tenor and spirit of the gospel; that their duty to their God requires

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them to reject every prospect of advantage which is attainable only at the price of blood; and that every occupation, the ultimate object of which is the destruction of human life, is to them unlawful; and I design to prove that such persons have not only a natural and indefeasible, but—in Pennsylvania at least—a constitutional right, to complete toleration of their principles, and exemption from military requisitions. It is admitted by the highest political authorities and the general sense of mankind, that every man has an unquestionable right to pursue his own happiness, in his own way, provided he does not, by such pursuit, affect injuriously, the corresponding rights of others.* Now it certainly will not be pretended, that a man who conscientiously believes himself religiously restrained from participating in military measures, or spending any of his time in learning the art of war, is pursuing his own happiness if he deserts his principles; or that he is left at liberty to pursue that happiness without molestation, while the government under which he lives, is using compulsion to drive him into a course inconsistent with his religious persuasion. Neither can it be truly asserted, that such a man by keeping aloof from the scenes of warlike preparation and enterprise, interferes with the happiness of those who prefer and pursue an opposite course. The utmost that can be correctly urged is, that he withholds his assistance, and leaves to the advocates of war, the burden of their own policy.

* We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; among which are those of life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men.—*Dec. of Independence.*

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The authority usually exercised by governments in which the military policy prevails, of demanding the assistance of the peaceable, as well as the warlike part of the community, in the prosecution of their wars, appears to be founded upon the tacit admission of a proposition, which certainly ought to have been strictly examined before it was made the basis of an important proceeding. It is taken for granted, that the military policy is the true one, and that to which the nation owes its security. Hence the inference is sufficiently easy, that all who share the protection which it is assumed that hostile measures afford, are bound to unite in their support. But admitting, as I hope we generally do, the truth of the Christian religion, we must readily perceive, that the soundness or unsoundness of the above proposition, depends upon the consistency or inconsistency of war with the principles and doctrines of the gospel. A Christian can reasonably expect neither happiness nor safety in a course which is not sanctioned by the religion of his Lord and Master. Hence the admission of this proposition, as the basis of action, is virtually an attempt on the part of rulers, to settle for others a question of conscience, which every man, pursuing his own happiness without molestation, has an unquestionable right to decide for himself.

Though the freedom of conscience is an inherent and unalienable right, irrespective of local institutions, yet the inhabitants of Pennsylvania have a claim, almost peculiar to themselves, for the indulgence of their scruples in relation to war.

The founder of Pennsylvania, was not satisfied with the establishment of a government which should be

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pacific merely in its external relations. He endeavoured to found it upon principles equally favourable to domestic tranquillity. Of these he knew liberty of conscience to be an essential element. He had early in life, refused to form his religion by a standard which he could not approve; he therefore wisely resolved to secure to others the freedom which he had always claimed for himself. Owing, as he said, *his* conscience to no man, he did not imagine that the settlers of his province owed *theirs* to him. He therefore guaranteed the rights of conscience as an irrevocable inheritance to all who should settle in the province. In the great Charter of 1701, in which his previous grants were consolidated and improved, we find the following declarations, in regard to the rights of conscience:

Article 1.—"Because no people can be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom of their consciences, as to their religious profession and worship; and Almighty God being the only Lord of conscience, Father of lights and spirits, and the Author as well as object of all Divine knowledge, faith and worship, who only doth enlighten the minds, and persuade and convince the understandings of people; I do hereby grant and declare, that no person or persons, inhabiting in this province or territories, who shall confess and acknowledge one Almighty God, the Creator, Upholder and Ruler of the world, and profess him or themselves obliged to live peaceably under the civil government, shall be, in any case, molested or prejudiced, in his or their person or estate, because of his or their conscientious persuasion or practice, nor be compelled to

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frequent or maintain any religious worship, place or ministry, contrary to his or their mind; nor do or suffer any other act or thing contrary to their religious persuasion."

Last article.—"And because the happiness of mankind depends so much on the enjoying of liberty of their consciences, as aforesaid, I do hereby solemnly declare, promise and grant, for me, my heirs and assigns, that the first article of this Charter, relating to liberty of conscience, and every part and clause therein, according to the true intent and meaning thereof, shall be kept and remain, without any alteration, inviolably forever."

This Charter, we may remember, was granted by a conspicuous member of the Society of Friends, when the power and administration of the government were chiefly, if not wholly in the hands of members of that Society. The liberty thus solemnly and irrevocably guaranteed, was unquestionably applicable to practice as well as belief; to everything, in short, which could become a matter of conscience. In this Charter the rights of conscience are first declared, in broad and general terms; and subsequently the general principle is applied to a particular case. But this specification does not weaken the force or diminish the extent of the general declaration. A specific disavowal, on the part of William Penn, of an authority to demand any military service from those who were conscientiously restrained from the use of arms, would have appeared supererogatory, if not absurd; as he could not consistently with his acknowledged principles, require such military service from any persons whatever. But in relation to worship, and the sup-

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port of a disapproved ministry, the case was not quite so obvious. The intolerance of that and the preceding age, related chiefly to worship and ecclesiastical establishments. William Penn and his friends had suffered more on account of their dissent from the established worship, than from any other cause. Some of those colonists, who had sought in the Western world an asylum from persecution, became persecutors themselves. To secure the settlers of Pennsylvania against all apprehension of any encroachment upon their conscientious rights, by himself or his successors, William Penn not only made a general declaration in favour of liberty of conscience, but gave a specific assurance, in regard to ecclesiastical exactions. The faith of government was thus solemnly pledged, for the maintenance of a complete toleration of the religious principles of those who were then settled, or might afterwards settle, in the province. Under this assurance, a large part of the province, now state, of Pennsylvania, was settled; and I conceive that the grant thus made, could no more be revoked, without a breach of faith, than the title to their lands.

It is well known, that great numbers of the first settlers of Pennsylvania belonged to the same religious society as the founder; and that those who professed to be conscientiously opposed to the use of arms, composed a majority of the legislature during the first seventy years. Within that time the province had received such an influx of emigrants, of every description, that the Society of Friends, and those who held nearly similar opinions on the subject of war, became a small minority of the whole population. From

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the situation which the province occupied, in connection with the neighbouring colonies, and with the mother country, it was frequently exposed to alarms, and sometimes to the actual pressure of war. Great part of the population adopted the usual policy of nations, and chose to vindicate their rights by military force. Under these circumstances, the legislature appears to have judged it right to allow the different classes, by which the province was then occupied, to adhere to their own principles, and to pursue the policy which they respectively preferred. The governor was premitted to organize a military force, of such citizens as chose to associate for the purpose; but no measures were adopted or allowed, to compel the peaceful class to desert their principles, by joining the ranks or supplying substitutes. It was even declared, in a preamble to one of their laws, that a *compulsory law* for the purpose of raising a military force, was unconstitutional, and a breach of the privileges of the people.* And it was not until the year 1775, in the midst of the turmoil of the revolution, and about twenty years, after the members of the Society of Friends had nearly all withdrawn from the legislature; that the first compulsive militia law was enacted in Pennsylvania. The situation of the state at that time, was unprecedented in the history of the settlement, and such as we may hope will not speedily if ever recur. A measure first adopted under such circumstances, and in such a state of the public mind, furnishes a very unsafe precedent for indefinite continuance, under a settled government, and in a time of peace.

* Gordon's History of Pennsylvania, page 338.

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But the convention, which in 1790 formed the Constitution of the state, fully recognised the declaration of the benevolent Proprietor. In the ninth article, section 1, usually termed the Declaration of Rights, they declare "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."

"Section 3. All men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own consciences: no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority can *in any case whatever* control or interfere with the rights of conscience; and no preference shall ever be given by law to any religious establishment or mode of worship."

"Section 26. To guard against transgressions of the high powers we have delegated, WE DECLARE that every thing in this article is excepted out of the general powers of government, and shall for ever remain inviolate."*

Here it is observable, that the rights thus recognised are not considered as the boon of government, or derived from the social compact, but as natural and inherent, and therefore beyond the control of any human tribunal. It consequently follows, that every provision contained in the preceding articles, must be so construed as to preserve these rights unimpaired.

* These declarations are retained without alteration, in the revision of 1837.

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In the third section, we find the privilege of worshiping according to the dictates of our own consciences, and an exemption from the support of a disapproved worship or ministry, particularly insisted upon. Hence it may be supposed, that nothing was intended by this section, except what relates immediately to worship and the support of ecclesiastical establishments. In fact, the attention of most who would appear to have examined the subject, seems to have been diverted from the general declaration, by a pursuit of the individual specifications. But as the rights of conscience are declared in broad and general terms, it would be extremely absurd to suppose the obvious meaning of such declaration to be limited or impaired by any special application. The deduction of a particular inference from a general proposition, is never supposed to destroy its force or generality. This section is substantially copied from the Charter of 1701; and although the reason for a specific declaration in regard to ecclesiastical exactions, did not operate in the year 1790, with the same force as in the time of William Penn, yet as such usurpations still continued in the mother country, and apprehensions of clerical ambition were not unknown in the state, a particular notice of the subject appeared judicious, if not absolutely necessary; especially as its omission, after the ample declarations in the Charter, might have been viewed with a suspicious eye.

To apply these facts and arguments to the case before us, we have only to suppose, what is certain lynot impossible, that war, whatever its object or origin, may be as abhorrent to the consciences of some among us, as a worship or ministry which they can-

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not approve. If a Pennsylvanian can be as conscientiously opposed to a participation in wars, as to a disapproved worship or ministry, his constitutional exemption is as complete in the former case, as in the latter. If the support of the latter cannot be extorted from such citizen, by fine or imprisonment, without violating the Constitution, neither can the former. If the impossibility of determining that a refusal to bear arms is really the result of conscientious persuasion, can furnish an excuse for imposing a penalty upon such refusal, the same reason will authorize the exaction of ecclesiastical demands. The secret motive for refusal is as impenetrable in the one case as in the other. To presume that a plea of conscientious scruple is insincere, and upon that presumption to found a right to impose a penalty, is to reverse an established principle of law, which always presumes innocence where guilt is not proved.

The law requiring the able bodied male citizens, within certain ages, to meet at stated times to learn the art of war, or to suffer in person or property for refusal, notwithstanding many of them may refuse compliance from conscientious motives alone, appears to be a direct and obvious violation of those rights which, by the highest authority of the state, are declared inherent and unalienable. Yet such laws exist; and if usage could establish their constitutionality, they might, perhaps, by this time have become constitutional. But that which is radically wrong, cannot be made right by time or usage; neither can contradictions be reconciled by repetition or age.

The constitutional ground usually taken in defence of these laws, is to be found in the sixth article, sec-

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tion 2, viz: "The freemen of this commonwealth shall be armed, organized and disciplined, for its defence, when and in such manner as may be directed by law. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent *for personal service.*"

By the eighth article, members of the assembly are bound by oath or affirmation to support the Constitution. From these two articles it is inferred, that the legislature are not at liberty to grant an exemption from military service on account of religious scruples.

It is however to be observed, that the Constitution which the members are bound to support, is to be taken as a whole. They are not required to support one part at the expense of another. Neither are they required, in support of the Constitution, to exercise an authority which is excepted from the general powers of government. To enact a law for the purpose of doing what the Constitution declares shall not be done, is not to support, but to violate the Constitution.

The provisions of the sixth article, above recited, must be considered either as imposing a duty upon the legislature, which they are not at liberty to decline; or as conferring a power to be exercised or forborne according to discretion. But in whatever light this article is viewed, it is important to remember, that the citizens are possessed of rights, solemnly declared to be inherent and unalienable, over which human authority has no control. The object of the convention, in the enumeration of these rights, avowedly was, to prevent the abuse of the delegated powers. If, therefore, any obscurity in the expression should give rise to doubt as to the extent of these powers,

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here are certain boundaries, definitely marked in the ninth article, which are never to be passed. Whatever any preceding article may appear to authorize or require, every thing contained in this article is excepted out of the general powers of government, and to remain for ever inviolate.

If the authority or requisition to arm, organize and discipline the freemen of the commonwealth for its defence, encroaches upon the rights solemnly recognised in the ninth article, such authority or requisition must be void. The ninth virtually repeals everything inconsistent with it, contained in the preceding articles. But if the sixth article admits of a construction compatible with the principles contained in the ninth, it is obvious that the legislative and judicial authorities are bound to give it such a construction. Or if the legislature extend the application of the former article beyond the limits marked out in the latter, the judiciary, whenever the question is submitted to its decision, will be required to declare such extension unconstitutional and void.

With regard to the meaning of the part of the sixth article above recited, it may be observed, that the expression, *the freemen of the commonwealth*, is general, and as applicable to those of one age, colour, or condition, as another; yet no legislature has ever construed the article as imposing an obligation, even to attempt the arming of *all* the freemen of the commonwealth. In all the laws enacted ostensibly for the purpose of carrying this part of the Constitution into effect, numerous exceptions are made.

I am not acquainted with any reasoning by which it can be shown, that a man over forty-five years of

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age, is less a freeman than one in an earlier period of life. Yet all beyond that age are uniformly exempted, by the laws of this State, from military training. As Pennsylvania is now happily almost, if not altogether, clear of negro slavery, the coloured inhabitants of the State are necessarily ranked among the freemen; yet they are not, and never have been, enrolled among the militia.

I am not about to inquire into the reasons why these exemptions are made. There is certainly nothing in the Constitution which defines military age or colour. The fact that such distinctions and exceptions are made, in regard to the age, colour and condition of the freemen who are enrolled as militia men, proves conclusively, that the legislators have always considered themselves clothed with a discretionary power, in relation to the persons to be enrolled; and I do not apprehend that any objections to these exceptions, have ever been raised on constitutional grounds. The citizens, however disposed to provide an efficient military defence, have acquiesced in the exercise of this discretionary power. And there is no reason to doubt, but the legislature would be sustained by the public voice, in adding to this list all other freemen who have a solid plea for exemption, although the Constitution should be as silent in regard to them, as to those included in the existing list of exceptions.

If the members of the legislature do not violate their engagement to support the Constitution, or outrage the feelings of their constituents, by giving their votes in favour of releasing from military requisitions all such freemen as cannot perform those services, without neglecting more important civil or religious

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duties, it is not easy to perceive why a similar indulgence may not be extended to those who are restrained from the performance of those services by the highest possible obligation. If a reasonable excuse can be and ought to be admitted, the general expression of the Constitution notwithstanding, why should it be denied to those who have the best of all possible excuses, a thorough conviction of the unlawfulness of the practice? Even if the ninth article had been expunged from the Constitution, and the second section of the sixth ended with the first sentence, still we should find ample reasons, in the nature of the case, and the discretionary authority assumed by the legislature, to urge an exemption in favour of all those who seriously and conscientiously believe the bearing of arms to be inconsistent with their religious duty.

It is observable that the declaration, "The freemen of the commonwealth shall be armed, organized and disciplined, *for its defence;*" if it does not define what class or what number of the freemen, shall be thus armed, organized and disciplined, does sufficiently define the object of this organization. The Constitution certainly imposes no obligation to attempt the arming or organization of the freemen, any further than may be judged requisite for the defence of the commonwealth. If the purpose of defence can be fully answered by arming, organizing and disciplining, one-tenth, one-twentieth, or one-hundredth part of the freemen, the legislature is not required by the Constitution, to arm, organize, or discipline, more. It may be said, the legislative authorities are constituted the judges, what portion of the freemen shall be thus prepared for its defence. This is admitted; provided

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they keep within the limits, and confine themselves to the object prescribed by the Constitution. These limits are described in the declaration of rights; and this object defined in the article before us. It certainly will not be pretended, that the legislature possesses any constitutional authority to arm, organize and discipline the freemen of the commonwealth for purposes of foreign conquest. The object is simply and singly the *defence of the commonwealth.* Now it is too glaring an absurdity to require refutation, to suppose the legislature, in the accomplishment of an object, obliged to adopt a procedure which is obviously unsuited and inadequate to that object. Giving to the provision under review, all the force and obligation which the advocates of the militia system can claim, it can mean nothing more than that the legislature must use such means as are rational in themselves, and consistent with other parts of the Constitution, to arm, organize and discipline the freemen of the commonwealth for its *defence.* If the Constitution had been silent with regard to those who conscientiously scruple to bear arms, a sober rationality would suggest the necessity of leaving them out of the means provided for military defence. As persons of that description, if they maintain their principles, will not contribute to such defence, the effect of a law which requires such persons to learn the art of war, and subjects them to a penalty for absence from the field on days of training, is not to provide for the defence of the commonwealth, but to impose upon a certain class of freemen, a penalty for conscience sake. Consequently the laws which are enacted ostensibly for the purpose of providing for the defence of the commonwealth, are, in

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their operation upon those who conscientiously scruple to bear arms, professedly pointed to one object, and actually directed to another. Those enactments are to them simply persecuting laws; and as inconsistent with the declaration of rights, though not so severe in their amercements, as the laws of Elizabeth, which imposed a penalty of twenty pounds a month for absence from the national worship.

It is further to be observed that this article, though usually cited as unquestionable authority for military requisitions, bears on its front the positive declaration, that those who conscientiously scruple to bear arms, shall not be *compelled* to do so. What is the meaning of this prohibition? Does it mean that they shall not, like the conscripts of France, be chained together and driven to the field at the point of the bayonet? Or does it mean that those milder modes of coercion, by which a strong repugnance is frequently overcome, shall not be adopted? Though the word is not technical, it will not be improper to observe how it is applied in other parts of the Constitution. In the twelfth section of the first article, we find the word used affirmatively. "A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members, in such manner and under such *penalties*, as may be provided." This passage clearly indicates that, in the sense of the convention, a demand supported by penalties, is a compulsion. It certainly will not be pretended that any harsher mode of compulsion was designed, or would be tolerated, than fine or imprisonment. Again, in the ninth section of the ninth article,

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"In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to have the witnesses face to face; to have *compulsory* process for obtaining witnesses in his favour," &c. Here, as before, no *compulsion* beyond fine and imprisonment can be intended. The word is twice used negatively in the ninth article. First, in the third section already quoted, and next in the ninth, where it is declared that a man cannot be *compelled* to give evidence against himself. In both these cases the prohibition has always been understood to be complete, and no species of legislative compulsion, however mild, would in those cases be tolerated.

How then stands the law? Every able bodied white man, between the ages of twenty-one and forty-five, —certain classes excepted—is to be enrolled as a militia man; no matter what his scruples with regard to bearing arms may be. If he does not attend at the place of training, he is noted as an absentee, and fined as a delinquent. Then in case he refuses to pay the fine, and property to answer it cannot be found, he is to be committed to the jail of the county, to expiate, by separation from his friends and business, the crime of supposing he had a conscience which was not to be moulded by the legislature. Although according to the Constitution, the man who is conscientiously scrupulous of bearing arms, is *not* to be *compelled* to do so, yet his refusal, however conscientious it may be, is visited with as severe retribution as would be extended to the cases where compulsion is directly authorized. The exaction of fines, with the accompanying train of seizure and imprisonment, must be

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designed for one of the following purposes; first, to drive those to the place of training who would not otherwise attend; second, to punish an imputed delinquency; or third, to raise a revenue.

If the first is the object in view, the process is compulsory; and when applied to those who refuse compliance on conscientious grounds, is a direct violation of the very article of the Constitution which is brought forward to sustain the procedure. It will probably be said that the fines are small, and that imprisonment for nonpayment is not very common. I am speaking of the law as it stands, not of the mildness or severity with which it is executed. It is not so much the *amount* of the fine, or the length of imprisonment, to which I object, as the principle of them. If a small fine, and a short imprisonment, may be constitutionally imposed, merely for refusing to violate the conscience, the penalty may be augmented at the discretion of the legislature. If the constitutional barrier is once overleaped, where are we to stop? If the legislature has a right to *compel* the citizens to learn the art of war, the declaration of the Constitution to the contrary notwithstanding, it appears to be a necessary concomitant of this right, that authority should be possessed to increase the penalty of noncompliance to a sufficient extent to operate as an *efficient compulsion*. Would not a law directing the delinquent militia man to be shot, be as defensible on constitutional ground, as the law in force? We have indeed, no cause to fear the enactment of such a law in this State. No Pennsylvania legislature would allow such a bill to pass to a second reading. Besides, there would be lean picking from its execution, if it could

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be enacted. But still, if those who are liable to militia service, and cannot, for conscience sake, comply with the requisitions, suffer no great inconvenience from the operation of our present militia system, it is not owing to the provisions of the law itself, but the opinions and habits of the community. A man who is enrolled, and does not when called, appear in the field, is liable to be annually called upon for a fine, which, if not large, is still large enough, in case it is not paid, and property cannot be found, to send him to jail, and detain him there during thirty days. A twelfth part of a year, spent within the walls of a prison, if annually repeated by the same individual, would be no trivial waste of existence. And, in fact, imprisonment on that account, is not a rare occurrence. I am acquainted with a young man of respectable family, who, by the time he was about twenty-four years of age, had been three time simprisoned for refusing to pay the fines imposed on account of absence on the days of training. And this was done in the city of Philadelphia, when neither war, nor the prospect of war, offered any excuse for disturbing the peaceful citizens in their usual vocations. Nor is this a solitary instance. Will our legislature continue to support a system, which frequently exposes our young men, not only to the hardship, but to the contaminating influence of a prison, for no offence but an adherence to their religious principles?

The Act of 1842, to abolish imprisonment for debt, leaves the legal remedies unchanged in regard to fines and penalties. Hence it appears that a citizen of Pennsylvania, though not liable, under ordinary circumstances, to imprisonment for a just and unques-

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tionable debt, may still be incarcerated for presuming to exercise a right, which is solemnly declared to be inherent and indefeasible.

If the object is to punish a delinquency, it savours very much of persecution, when the conduct punished is the result of conscientious persuasion. The rights of conscience are declared inviolable, and the scruple to bear arms is expressly tolerated, and therefore cannot, within the meaning of the Constitution, be considered as a crime. Besides, the very design of punishment, merges this object in the former, and becomes a *compulsory process* for driving men to the field of training.

If raising a revenue is the object or enters into the motive, candor seems to require that it should be distinctly avowed in the preamble. Would the citizens of Pennsylvania tolerate a law, which was ostensibly designed to raise a revenue out of the conscientious persuasion of a part of the community. Lay, for the purpose of revenue, a tax or fine on the Anabaptists, for immersing their converts in water; or the Presbyterians, for the strict observance of the sabbath, or on Christians of any denomination, for attending their places of worship; and the absurdity would be admitted by us all. And yet it will probably be agreed, that there is no more propriety in taxing one article of faith than another.

But it will be urged that the Constitution declares, that those who conscientiously scruple to bear arms, shall *pay an equivalent for personal service*, and, therefore, the legislature has no authority to grant the exemption for which I contend. But will it be pretended that the legislature must require every man

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who conscientiously scruples to bear arms, to pay an equivalent for personal service? This article must convict every legislature of this State, during the last fifty years, of neglect of duty, or be construed as indicating what *may* be, rather than what *must* be done. If laws *must* be made requiring the freemen of the commonwealth, who are conscientiously scrupulous of bearing arms, to pay an equivalent for personal service, that law must be general and include them all, for no exception is made in the Constitution. But no such complete inclusion is to be found in any militia law ever enacted under this Constitution. But does our present militia law require an *equivalent for personal service*, and for personal service alone? For we observe, that the authority is confined to that equivalent, and has no application to any thing but *personal service*. Can personal service be required or rendered in time of peace? What is personal service? It certainly requires no great share either of learning or sagacity, to distinguish between training as practised in time of peace, and actual service. And yet it is only by confounding them that the sixth article of the Constitution can be pressed into the service of our militia system, as now applied in time of peace to those who are religiously restrained from bearing arms.

In the Constitution of the United States, art. 1. sec. 8, congress is authorised to "provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." This is their service. And in the next paragraph, "to provide for organizing, arming, and disciplining the militia, and for governing *such part of them* as may be employed

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in the *service* of the United States, reserving to the States respectively, the appointment of the officers, and the authority of *training* the militia, according to the discipline prescribed by Congress." In the second article, second section, "the President is made commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States." Here *training according to the discipline prescribed by Congress,* and the *service of the United States,* are clearly distinguished and placed under different authorities.

The militia law of 1822, which by the Act of 1844 was declared to be still in force, except where the changes were, by the latter Act, especially and specifically detailed, after prescribing the course to be pursued in the organization and training of the militia, with the assessment, collection, and disposition of fines, proceeds at length in section 61, to lay down the process, in case any portion of the militia shall be required for the *service of this State,* or of the United States. In that event, a particular classification is required. A process is described, of which nothing appears in the arrangements for *training the militia.*

In section 62, the Governor is authorised to call the militia into *actual service,* in case of a rebellion, or of an actual or threatened invasion of this or a neighbouring State. But it is provided, "that no part thereof shall be detained in *service,* at any one time, longer than three months, under the mere requisition of the Governor, without the direction or assent of the President of the United States."

In section 63, it is provided, that the officers, non-

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commissioned officers and privates, when called into *actual service*, shall receive the like pay, rations and emoluments, as shall be granted by the United States, to the officers and privates of the regular army, at the time they are in service; and that the noncommissioned officers and privates shall be armed and equipped at the expense of the State, during *such service.*

These provisions constitute only a part of the legislation which is applicable to the contingency of the militia being called into *actual service*, and the law of 1822, where it is directed to that contingency, is not changed by any subsequent enactment. Consequently our existing militia law, as well as the Federal Constitution, contains a broadly marked distinction between *militia training* and *actual service.* And certainly the *personal service* mentioned in the sixth article of our Constitution, for which an equivalent is required, must be *actual service;* for a service which is not actual, is merely imaginary, and can command only an imaginary equivalent. It therefore appears on the very face of the existing militia law, that the circumstances under which an equivalent can be constitutionally demanded, have no existence when neither rebellion nor invasion exists or is threatened.

If the legislature possessed authority to order fines to be assessed and collected, from those who, from conscientious motives alone, absent themselves from the field on the days of training; that authority must be drawn from some other source than the sixth article of the Constitution.

It is indeed difficult to conceive, that such a company of talented men as those who formed the Consti-

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tution, would prohibit the legislature from compelling their peaceful citizens to learn the discipline of war; and yet in the same paragraph require, not merely permit, the adoption of a course towards the same class of citizens, substantially the same as one described in another part of the same instrument as a compulsory process.

The absurdity of confounding militia trainings with personal service, appears from other considerations. Where there is a debt there must be a creditor. But to whom is the equivalent in this case properly due? It cannot be to those who attend on the days of training; for on the principles assumed, they are required to learn the discipline independent of pecuniary compensation, and in fact, never are paid for the time thus employed. It cannot be due to the government; for the government incurs no expense in consequence of the absence of those who are enrolled. A large amount, it is true, is annually drawn from the public treasury for the support of this system, but that expenditure would not be diminished by increasing the number of militia men actually present on the days of training. But supposing the government to be admitted as the creditor, not of right, but because no other can be found, still a difficulty remains. How shall we assess the debt? Where an *equivalent* is demanded, it would appear that something had been given or withheld on which that equivalent was estimated. What *service* has been rendered to the government by those who have attended? What have they contributed towards replenishing the treasury? Or what has the commonwealth expended in consequence of the absence of those who have remained

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at home? If those who attend upon the days of training do not render any service which can be estimated in dollars and cents; nor those who are absent cause by their absence, any expense to the government, there is nothing upon which an equivalent can be computed. To attempt the computation is perfectly nugatory. The Constitution gives no authority to fix upon an arbitrary sum, and call it an equivalent. It is *an equivalent for personal service*, and nothing else, which can be demanded in virtue of this constitutional provision.

What, then, it may be asked, *is* the meaning of the above quoted section? This section, I acknowledge, does not admit of a construction in perfect unison with the principles announced in the ninth article, but it certainly admits of one consistent with itself. The section taken alone, involves no contradiction. It tacitly assumes, what is unquestionably the fact, that a large part of the freemen of the commonwealth are not religiously restrained from bearing arms in defence of themselves or the government. It was undoubtedly designed, that among these a sufficient share of military discipline and skill should be maintained, to answer the purpose of an efficient defence. Or, in other words, that a competent force should be provided from among the freemen of the commonwealth to support the laws and prevent or repel invasions. The manner of effecting this object was left to the discretion of the legislature. But, assuming again another well known fact, that there are persons within the State who are conscientiously opposed to bearing arms, the legislature was prohibited from laying on them any obligation to learn the art of war. In the

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exercise of discretion, and the choice of means to arm, organize and discipline the freemen of the commonwealth for its defence, the authority to compel that particular class of citizens to learn the use of arms, was excepted from the powers of government. This relates to a state of peace and preparation for contingencies. In case the militia should be called into service, to fulfil the objects for which the previous exercise was designed as a preparation, those who would not, or who, for conscience sake, could not, bear arms themselves, might be required to *pay an equivalent for personal service;* or in other words, pay the expense of hiring substitutes. There the object and the amount are appreciable. Upon the policy assumed, the men required for the service of government must be had, and if not made up by drafts of the militia, the deficiency must be supplied by those who can be hired for the purpose. The expense thus incurred, is, by this article of the Constitution, liable to be thrown upon a class of freemen, who, but for their conscientious scruples, might be called to fill up the ranks.

Inasmuch as most of those who withhold their support of military measures on religious grounds, are equally scrupulous of employing substitutes, this sixth article of the Constitution does not, upon the construction here offered, put that class of citizens into complete possession of the rights asserted in the ninth article. It is understood that among the inhabitants of Pennsylvania, there are some who are scrupulous of bearing arms themselves, but not of employing substitutes. To such as those the Constitution appears capable of affording complete relief, without

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bringing any of its provisions into collision with each other. An equal relief would, it is believed, be afforded in time of peace, to all classes who conscientiously scruple to bear arms, if a just construction was given to the sixth article, without looking into any other part of the Constitution. But when we look into the ninth article, already cited, and observe the solemn manner in which the rights of conscience are declared; we cannot fail to admit, that those rights are placed beyond the control of the legislature. The power delegated to any branch of government does not include authority to infringe the rights of conscience. If, therefore, the civil power is preserved in time of war as well as peace, the limitations as well as the grant of authority must still be regarded by every department of the government. Consequently, the provisions of the sixth article, whether applied to a state of peace or war, must be subject to the paramount authority of the ninth. Such freemen as cannot be compelled either to bear arms or to pay an equivalent, without infringing the rights of conscience, are, by the general declarations of this article, exempted from such requisitions.

If, however, this construction of our constitutional rights should not be admitted, but an authority be claimed to impose upon every class of citizens a share of the burdens of war, when it actually exists; still it may be hoped, that the only article of the Constitution which appears to authorise the practice, will be no longer tortured to support a procedure, which it clearly and pointedly prohibits. If those who conscientiously scruple to bear arms, should be no longer compelled, as far as legal compulsion can readily ex-

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tend, to do so, but be required only to pay an equivalent *for personal service*, this partial recognition of the rights of conscience, would relieve the advocates of universal peace from encountering, during the time of national tranquillity, the burdens and vexations of war. It would permit the supporters of the warlike and pacific policies, respectively, during the time of peace, to pursue their favourite plans; the one class might learn the discipline of war, and the other cultivate the arts of peace, without collision. This, we observe, is not a new Eutopian project, but a sober exposition of the Constitution.

It will probably be objected, that if every man who professes a scruple with regard to the use of arms, was excused from military requisitions during the time of peace, the military art would be neglected and the nation left without its proper defence. A neglect of the military art might, perhaps, in some places be the consequence; but the experiment has been tried, in other States, without any disasterous result. The Constitution of Maine, provides that persons of the denomination of Quakers, Shakers, &c., may be exempted from military duty; and that of Tennessee, directs that the legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending parade and general musters. In Massachusetts, members of the Society of Friends, are exempted by law, from military requisitions. In our own State, as already mentioned, no compulsive militia law was ever enacted until 1775, and the colony was highly prosperous without it.

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If military preparations and a military spirit can be supported only by coercing the consciences of the peaceful class, the system, in its most favourable aspect, appears as an attempt to provide for our defence against evils which may never assail us, at the expense of our most precious and inalienable rights.

If on trial this result should follow, the experiment will merely prove that the military spirit is of artificial growth, requiring the warmth of national excitement for its support. It is also important to remember, that with the decline of the military spirit, the occasions of war likewise diminish. A disposition to prefer the arts of peace to the pomp of war and warlike exhibitions, is one of the best securities of national tranquillity. When this preference is founded upon a religious conviction of the anti-christian character of war, and supported by a corresponding example, a moral atmosphere is collected in which war can hardly originate. But the sound of warlike preparation and the frequent exhibition of military parades, are of themselves unfavourable to the preservation of peace. They excite an ambition of military fame, and ambition of every kind naturally seeks a field in which to display itself. When the master spirits of a nation become ambitious of military distinction, there is little hope that the people will be long permitted to repose in peace. When the warlike spirit attains the ascendency, causes of dispute are easily found.

But to return to the constitutional provision under review. It might be reasonably expected, that those who plead this provision as an excuse for the imposition of fines upon the conscientiously scrupulous, as well as others, would be prepared to show that the

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means adopted for attaining the object proposed by the Convention, were suited to the end. Are the freemen who conform in every respect to the requisitions of the militia law, *disciplined* for the defence of the commonwealth? Do those who attend on the days of training, join the ranks, and perform the evolutions required, actually learn the military art? To urge the obligation of requiring an *equivalent* from those who are absent, while those who are present neither perform any *service* nor acquire a capacity for doing it, is to trifle rather than to argue. When we look at our present militia law, so far as it appears applicable to a state of peace, and observe the minuteness of its provisions; the careful formation of the State into military divisions; the organization of brigades, battalions and regiments; the appointments and duties of officers; the pains taken to secure the enrolment of all the citizens liable to perform militia service; the assessment and collection of fines; and all the etceteras running through fifty octavo pages, and then reflect upon the result, even in a military point of view, of all this legislation, this cumbrous and expensive machinery, we may well exclaim in the language of Horace,

Parturiunt montes nascitur ridiculus mus.

Scarcely any person acquainted with the subject, pretends to believe that militia trainings, as practised in this State, are anything better than a ridiculous farce. The object with most who attend is, not to learn to be soldiers, or to acquire a knowledge of the military discipline; *but to save their fines.* Being myself no military man, I shall, instead of my own

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remarks on the effect of militia trainings, produce the testimony of others, who may be fairly presumed to understand the subject more perfectly.

A few years ago, a set of queries, connected with military affairs, was addressed by the Secretary at War, in a circular, to numerous military officers in various parts of the United States. One of these queries was in these words:

"From your experience, are frequent musters advantageous to the great body of the militia?" From the answers returned, the following are selected.

Pennsylvania. General T. Cadwalader. I do not consider frequent musters as advantageous to the great body of the militia. No correct instruction is received at such musters, and their effect on the morals of the people is positively injurious.

General R. Patterson. They are disadvantageous.

Col. J. G. Watmough. Nothing can be more entirely inefficient than the militia under the existing organization. Attend a militia muster under its most favourable circumstances, in a retired country situation, and drunkenness and every species of immorality is the order of the day.

Col. H. J. Williams. All the musters at which I have been present, so far from being "advantageous," were always scenes of the lowest and most destructive dissipation, where nothing was to be acquired but the most pernicious habits. Our militia are worse than useless.

Major Joseph R. Ingersoll. Assemblies of the idle and dissipated, thus convened, do no good; and the neglect of work by the industrious poor does much harm.

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Col. P. A. Browne. Four, six, or eight days' training in a year can never make a soldier, but it may make a drunkard and an idler. It ought to be entirely abolished.

Maryland. General R. Harwood. My experience of musters is considerable, having attended them as commander of the twenty-second regiment for many years, and I am decidedly of opinion that they are disadvantageous to the militia. They tend to corrupt the morals of the people, and no information can be derived at them.

Virginia. General J. H. Cooke. They are, instead of schools of practice, schools of insubordination and vice, where the first and simplest duties of a soldier are rarely if ever taught.

General J. B. Harvie. According to the present system, militia musters are decidedly injurious.

General A. Smyth. Frequent musters of the militia are of no advantage. They produce a serious loss of time.

North Carolina. General B. Daniel. The discipline of the militia can sustain no injury by any change in this respect, as they acquire none under their present mode of training.

South Carolina. General J. B. O'Neal. The regular militia are too much in the habit of regarding their company musters as an irksome duty, which confers no distinction, and is of no value. So that they have the name of mustering, and are exempt from the fine imposed by law, it is all that is desired.

Connecticut. General E. Huntington. Musters, as at present conducted, are of no benefit to the soldiers, or to any body else, merely affording a *red letter day*,

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or a day of dissipation, to the vicinity of the parade ground.

Louisiana. Gov. H. Johnson. From my experience, frequent musters, as generally practised, are detrimental, rather than advantageous to the militia.

Illinois. Gov. E. Coles. Frequent musters are injurious to society, and are of little benefit to the militia. But little military information is gained, bad moral habits are acquired, and much time is lost.

Ohio. General W. Murphy. Militia musters of privates in time of profound peace, are useless.

Massachusetts. Col. T. Pickering. Of the utter inefficiency of two, three, or four days' training in a year, every observer possessing any military knowledge, is competent to pronounce. I have ever considered the militia musters as a waste of time for those who actually assemble, while thousands are heavily taxed by fines for nonappearance, and vexed in their collection.

Maine. Col. Jos. Sewall. The occasion not unfrequently calls together more spectators than troops, and the time, in many instances, is unfortunately spent in indulgences that are prejudicial to the morals of the community. I am, therefore, of opinion, that frequent musters, as they are at present regulated, are not advantageous to the great body of the militia.

New Jersey. General D. Elmer. These trainings produce but little, if any practical benefit.

Rhode Island. N. Howland, Esq. The motives which prompt to the acceptance of a commission, are for the sole purpose of exemption from duty after one or two years service. Some accept from motives of ostentation, and a desire of military rank or title; but

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titles are so numerous and of so little value, that this number is at present small. Few have hope of improving a militia that is the object of derision and contempt, with the very individuals who compose it.

These testimonials, from men scattered through half the States in the Union, are sufficient to prove, that even in the view of military men, our militia musters have not the poor negative credit of doing no harm. Nearly similar testimony could have been produced from several other States. In all the answers before me, the advantage of frequent musters is either positively denied, or very partially and doubtingly admitted, while the injury arising from them is clearly and unhesitatingly asserted. The fact, deducible from these extracts, that neither the general government nor the State legislatures, have been able to devise and introduce a code by which they could place the militia on what, military men would call a respectable footing, suggests a belief, that there is something intrinsically defective in the attempt. Neither labour nor ingenuity can accomplish impossibilities. The people of the United States are probably too much inured to freedom, to be drilled into machinery by a compulsive process.

"It is substantially true, that virtue or morality is a necessary spring of popular government. The rule extends, with more or less force, to every species of free government. Who that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?"* But frequent militia trainings are shown to be positively injurious to morals, and, therefore, destructive of the foundation of our

* Washington's Farewell Address.

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government. Will any one, who has had the opportunity of observation, attempt to deny, that the restraints of religion and morality are less regarded among such assemblages, than they are by the same individuals when engaged in their usual employments? Profanity and intemperance appear with less disguise or concealment on the eve of militia trainings, than at other times. Probably no single measure would more effectually promote the design of our temperance societies, than the abolition of the militia system.

If we admit, what it is difficult to deny, that militia trainings, as practised in this and other States, are totally inefficient in relation to their ostensible object, and at the same time positively injurious to the morals, as well as a waste of the time and substance of the community; it may be useful to inquire into the extent of the loss thus sustained.

According to the census of 1840, there were in this State 252,045 white males, between twenty and forty years of age. Now, as the existing militia law requires all the able bodied white men, between twenty-one and forty-five,* with a few exceptions, to be enrolled as militia, nominally to learn the military discipline, we shall probably be considerably below the truth, if we estimate the number subject to this requisition at 250,000. If these militia musters actually taught the art of war, upon what possible emergency, can we suppose it requisite, laying aside the question of the lawfulness of war, for this state to have such a host instructed in the arts of destruction?

It may perhaps be said, that by having all our people trained to the use of arms, a force will always be

* The enrolment includes those over eighteen, but the penalty applies only to persons over twenty-one years.

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ready to suppress insurrections wherever they arise. But how are insurrections to arise, but among ourselves? And what more probable mode of creating them can be devised, than to convert our people into a nation of soldiers? Happily, for the peace of the country, the ostensible object of the legislature is not gained; these two days of heroship, though they, no doubt, make some of our young men rather worse citizens, do not make them soldiers.

If the legislature were to enact a law requiring 250,000 of our young and middle aged men, to spend two days in the year in learning any mechanical business, such for instance, as making shoes, and imposing a penalty upon those who should refuse to engage in it, we should unanimously agree that the law was a very silly one, and that the time of those who complied with the requisition was merely wasted. Yet if we soberly reflect upon the character and effect of our militia laws, we can scarcely fail to perceive that they are obnoxious to more serious objections than the law here supposed. The time thus employed would not be more uselessly spent, than it is when devoted to militia musters, military men themselves being judges.

If we estimate the value of the time which our legislature requires the able bodied men within the commonwealth to spend in militia trainings, at the sum which seems to have been adopted as the nominal equivalent, we shall have for our yearly expenditure *in time*, no less than two hundred and fifty thousand dollars. Hence we perceive, that if the existing militia law should be carried into effect, at least a quarter of a million of dollars must be annually abstracted from the industry of the State, to support a

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system which operates oppressively upon the consciences of a valuable portion of our citizens; vitiates to a considerable extent the morals of those who engage in it; and even in the opinion of military men, is totally useless in regard to its ostensible object.

The sum thus wrested from the industry of the people is certainly too much to be wasted. But this is only a part of our expenditure; for there is annually drawn from the treasury of the state a very considerable sum in payment of the expense of the militia system. The following table exhibits the sum paid out of the treasury, in each year from 1826 to 1843 inclusive, in support of the militia system, together with the amount of fines collected and paid.

1826	$23,238 05	$5,120 50
1827	26,666 75	1,516 20
1828	24,542 80	1,290 70
1829	17,738 22	3,000 71
1830	22,090 24	7,847 13
1831	22,859 00	1,381 41
1832	21,562 43	2,313 27
1833	20,776 99	1,693 00
1834	21,075 87	1,160 70
1835	21,862 44	2,350 83
1836	29,601 65	3,161 16
1837	22,451 01	22 80
1838	30,664 24	288 58
1839	25,981 17	822 16
1840	33,470 75	229 00
1841	33,031 71	446 58
1842	33,164 94	13 30
1843	42,448 59	11 40

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These accounts, from 1826 to 1843, both included, are taken from a tabular view of the financial affairs of Pennsylvania, from the commencement of the public works to the present time; prepared from official records, by J. W. Hammond, late chief clerk of the Auditor General's office.

Thus we find that in these eighteen years, $473,-226,85 have been paid out of the treasury of the State in the shape of militia expenses. While the sum paid into it as the proceeds of fines collected, is only $32,669,42. It would be interesting to know what sum has been actually collected, and absorbed in the collection.

A few years ago, an estimate, founded chiefly on authentic documents, was made of the amount of property distrained on account of military demands from the members of the religious Society of Friends, within the single yearly meeting of Philadelphia, from 1776 to 1820, inclusive. The limits of that meeting, it is to be understood, are not fixed by political divisions. The members reside in Pennsylvania, chiefly east of the Susquehanna, in New Jersey, and a few in Delaware and the eastern shore of Maryland. The estimate above referred to, amounts to 300,000 dollars; to which may be added from actual returns, from 1821 to 1830, inclusive, 16,021 dollars and 85 cents—besides numerous instances of young men committed to prison for refusing to pay the fines demanded of them.

It appears a strange anomally in the legislation of a professedly Christian republic, that the only class of citizens, whose religion is not completely tolerated, should be those who adhere more closely than others to the precepts and example of the Founder of

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Christianity; and that even these should be tolerated in every thing except in the support of a practice, which it is generally admitted the Christian religion must eventually establish and maintain in the world.

Will posterity believe, some fifty or an hundred lustrums hence, that in the middle of the nineteenth century, the inhabitants of Pennsylvania were liable to fine and imprisonment on account of their religious persuasion and practice, in a State which was settled under the solemn assurance, to be kept and maintained inviolably forever, that no person inhabiting the province, (now State) who should acknowledge one Almighty God, the Creator, upholder and ruler of the world, and profess himself bound to live peaceably under the government, should be compelled to do or suffer any act or thing contrary to his religious persuasion; and under a Constitution which declares, that no human authority can in any case whatever control or interfere with the rights of conscience? And that where this persecution is enforced, the legislative and judicial officers bind themselves, by oath or affirmation, to support the Constitution in which this declaration stands conspicuously enrolled.

I am aware it will be said, that our militia law is general, requiring nothing more of one denomination of Christians than another, and therefore is not a persecuting law. But this is no more than may be urged in favour of any or every persecuting law which was ever enacted. The edict of Nebuchadnezzar was unquestionably general, for he commanded the principal officers of his government, to fall down and worship the golden image which he had set up. To the idolatrous Chaldeans, this was no persecuting man-

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date. But to those who were religiously restrained from the worship of idols it was.

The persecuting laws of all times and nations, from the edict of Nebuchadnezzar to the militia law of Pennsylvania, have been erected on one basis; an assumed authority to regulate the religious persuasion and practice of the people, by a national standard. Whether the mandate of the government requires that we should fall down and worship an image of gold, or that we should profess a specified system of doctrines; or, that we should attend and support a particular worship and ministry; or, that we should unite in learning the art of war; if the requisition encroaches upon our conscientious persuasion, that mandate is to us a persecuting one. Whether the penalty of refusal is death, by being cast into a burning fiery furnace, or in any other way; or, incarceration for a limited time; or, merely a pecuniary fine; those who withhold compliance wholly on religious grounds, and endure the penalty, are suffering for conscience sake, and therefore suffer persecution.

I shall now close my observations with the following queries, addressed to the serious consideration of my readers.

1. Whether the military part of the community have a right to assume, without proof, the proposition, that nations owe their security, and governments their power, to military force; and upon the strength of this assumption, to demand assistance in the prosecution of warlike measures, from those who conscientiously dissent from the doctrine?

2. Whether wars are not so horrid in their nature, and so destructive in their effects, as to render it justly desirable that every scheme, not absolutely

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ruinous, devised for their abolition, should be allowed a fair and candid trial; and whether those citizens who, from policy or principle, adopt a course likely to diminish their frequency, ought not to be encouraged?

3. Whether the Charter under which Pennsylvania was settled, and the Constitution under which we live, do not guarantee freedom of conscience as fully in relation to military, as to ecclesiastical demands?

4. Whether the requisitions in regard to military trainings are not as severe and indiscriminate as we could expect them to be, if the declarations, in the ninth and sixth articles, in favour of conscience, were expunged from the Constitution?

5. Whether militia trainings have not been proved by sufficient experience, to be positively injurious to the morals of the community, and totally useless in a military point of view, and therefore unworthy to be longer continued?

6. Whether the expense incurred in support of the militia system, is not a tax upon industry, and a bounty on idleness, dissipation and vice?

7. If these questions are answered conformably with the principles advocated in the foregoing essay, whether it is not the duty of the legislature to abolish the system without delay?

FINIS.

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